

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONSOLIDATED UNDER  
CASE NO. 05-10155 PBS

YISEL DEAN, Independent Administratrix of the Estate of  
STEVEN DEAN, deceased, and on behalf of all statutory  
beneficiaries,  
Plaintiff,

V.

DOCKET NO: 05cv10155 PBS

RAYTHEON COMPANY, a Delaware corporation,  
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,  
RAYTHEON AIRCRAFT CREDIT CORPORATION, a  
Kansas Corporation, COLGAN AIR, INC., a Virginia  
Corporation d/b/a US Air  
Express,  
Defendants.

LISA A. WEILER, Administratrix of the Estate of SCOTT A. KNABE, deceased, and on behalf of all statutory beneficiaries,  
Plaintiff,

V.

DOCKET NO: 05cv10364 PBS

RAYTHEON COMPANY, a Delaware corporation,  
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,  
RAYTHEON AIRCRAFT CREDIT CORPORATION, a  
Kansas Corporation, COLGAN AIR, INC., a Virginia  
Corporation d/b/a US Air Express,  
Defendants.

**DEFENDANTS' MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OF FAA  
AIRWORTHINESS CERTIFICATION**

The defendants respectfully request that this Court enter an order *in limine* precluding the plaintiffs from challenging the FAA airworthiness certification process for the Beech 1900D. In support hereof, defendants state as follows:

The Federal Aviation Act (“FAA”) and its relevant regulations establish complete and thorough safety standards for interstate and international aircraft operation which standards are not subject to supplementation or variation by individual states-either through statutory law, common law, and/or state jury verdicts. See eg. Abdullah vs. American Airlines, Inc., 181 F. 3<sup>rd</sup> 363 (3<sup>rd</sup> Cir. 1999) (FAA and relevant regulations preempt state negligence law as to aircraft operation and piloting); Curtin vs. The Port Authority of New York 183 F. Supp. 2<sup>nd</sup> 664 (S.D.N.Y. 2002) (FAA explicitly preempts state law standards governing aviation safety, flight operations, etc.); Shubert vs. Continental Airlines, Inc., 2004 .S.Dist. Lexis 6214 (S.D.N.Y. 2004) (FAA regulation 14 CFR. §19.13 governing aircraft piloting constitutes federal standard of care replacing any state standard of care concerning air safety); Witty vs. Delta Airlines, Inc., 366 F. 3<sup>rd</sup> 380 (5<sup>th</sup> Cir. 2004) (Federal Regulatory requirements for passenger safety warnings and instructions were exclusive and preempted all state standards and requirements); see also, French vs. Pan Am Express Inc., 869 F. 2<sup>nd</sup> 1 (1<sup>st</sup> Cir. 1989) (state pilot regulation relating to safety federally preempted); see generally, Heincher v. Volvo Car Corp., 61 Mass. App. Ct. 313, 316 (2004) (tort action has same regulatory effect as state law and therefore can be preempted by federal law).

Any evidence or suggestion by the plaintiffs that the subject aircraft was not properly certified as airworthy or that the defendants obtained the type certificate for the Beech 1900D through means that were “cheap” must be precluded. The undisputed evidence establishes that the accident aircraft was deemed airworthy by the FAA under the standards imposed by the

FAA. Any claim that the aircraft was not certified properly or in complete accordance with FAA standards has no place at the trial of this case. The proper venue for a claim that the aircraft was not properly certified lies with the FAA, as FAA regulations preempt state common and/or statutory law. Any evidence at trial regarding the FAA's airworthiness certification process for the Beech 1900D is improper and must be precluded.

WHEREFORE, the defendants respectfully request that this Court enter an order *in limine* precluding the plaintiffs from challenging the FAA airworthiness certification process for the Beech 1900D.

RAYTHEON DEFENDANTS,  
By Counsel,

/s/ Peter C. Knight

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 19, 2007.

/s/ Peter C. Knight

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